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Attorneys for Defendants
UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

Jaylynn Dean v. Uber Techs., Inc.,
No. 23-cv-06708

Case No. 3:23-MD-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S ADMINISTRATIVE MOTION TO
STRIKE PLAINTIFF'S WITNESS AND
EXHIBIT LISTS**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

Under Civil Local Rule 7-11, Defendants hereby move the Court to consider whether Plaintiff should be required to file an exhibit list and witness list that is commensurate with the length of the case to be tried.

With Plaintiff's case beginning in just over two weeks and limited to 39-hours, Plaintiff has filed an exhibit list that is over 3,600 exhibits (Dkt. 4843) and a witness list that is over 53 witnesses (Dkt.4842). When the Court denied Defendants' previous motion to strike Plaintiff's witness and exhibit lists trial was a month out, and Plaintiff represented that a pared-down list was forthcoming. Dkts. 4672, 4705, 4751. As the parties prepare to start trial, Plaintiff's lists still fail to satisfy their fundamental purpose, which is to assist the parties in preparing for trial. *See, e.g., United States ex rel. Paredes v. Res-Care, Inc.*, No. 02-23460-CIV-LENARD/KLEIN, 2005 WL 8155529, at *1 (S.D. Fla. Dec. 1, 2005). To the contrary, Plaintiff's failure to file good-faith exhibit and witness lists prejudices Uber's ability to prepare for trial by requiring Uber to prepare for dozens of witnesses and thousands of exhibits. It is technically impossible in a 39-hour case to admit anything even close to several hundred exhibits, let alone the several thousand on Plaintiff's list, or to present the testimony of even a fraction of the witnesses, whether by deposition or live. The Court should require Plaintiff to provide an exhibit and witness list commensurate with the length of the case, at whatever numbers the Court deems appropriate.

Plaintiff's continued refusal to provide good faith exhibit and witness lists is plainly an effort to disguise trial strategy and to force Defendants to prepare for many witnesses who will not appear, prepare objections to thousands of exhibits that will never be introduced, and additionally to prepare counter designations for depositions that will never be shown to the jury. Plaintiff's witness list identified 39 "may call" witnesses. Plaintiff will open her case and chief in a little over a week. The inclusion of nearly 40 may call witnesses this close to trial is gamesmanship. Similarly, Plaintiff's exhibit lists, as served and filed on the below dates have reflected limited culling, and none since December 17. In fact, the number of Plaintiff exhibits have increased:

Date Served/Filed	Number of Exhibits
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12/10/2025	4824
12/17/2025	3525
12/30/2025	3600

This unrealistic and voluminous exhibit list also will slow down trial, as it compromises Defendants' ability to prepare objections and meet and confer with Plaintiff about them.

Defendants argued in response to the first motion to strike that the content of Plaintiff's list showed that this was not a careful, good-faith disclosure. Now, despite removing a handful of clawed back documents Defendants explicitly identified for Plaintiff, Plaintiff's exhibit list still includes documents that have no relationship to this case, for example, documents related to the driver in the JCCP case that was tried in September, materials related to experts who did not offer opinions in this case, case specific documents related to the other bellwether cases, and catch-all exhibit entries that encompass hundreds of additional documents (for example, "All materials" produced by Uber in response to Plaintiff's discovery requests or DFS). Further, Plaintiff's exhibit list fails to comply with this Court's Pretrial Order, often including document descriptions that are incomprehensible and provide no information about the substance of the document (*see e.g.*, document description for P-131, "8RPyRAAAAAE-MBI-FLAT:2018-01-22T03:41:40.644752"; P-139, "8RPyRAAAAAE-MBI-FLAT:2018-03-11T04:05:38.06463", P-146, "ie6QRAAAAAE-2021.02.24").

The Court should order Plaintiff to submit good-faith witness and exhibit lists commensurate with the length of this case.

DATED: January 2, 2026

Respectfully submitted,

/s/ Laura Vartain Horn

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PROOF OF SERVICE

I hereby certify that on January 2, 2026, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Laura Vartain Horn
Laura Vartain Horn